

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

FEB 15 2013

JULIA C. DUDLEY, CLERK
BY: Julia C. Dudley
DEPUTY CLERK

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
JIMMY LAWRENCE NANCE,)
Defendant.)
)
Crim. No. 7:92CR00135
)
ORDER
)
By: Hon. James C. Turk
Senior United States Dis

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that Nance's Motion for Recusal, ECF Nos. 255, 259, and Motion for Production of Documents, ECF No. 258, shall be and hereby are **DENIED**.

It is further **ORDERED** that Nance's Request for Judicial Notice, ECF No. 260, is hereby **CONSTRUED** as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255. The Clerk is **DIRECTED** to redocket the motion as a § 2255 motion. Additionally, the § 2255 motion is hereby **DENIED** without prejudice as successive and should be **STRICKEN** from the active docket of the court. Finally, a Certificate of Appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to Nance and to counsel of record for the Respondent.

ENTER: This 15th day of February, 2013.

James C. Turk
James C. Turk
Senior United States District Judge